

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5430 of 2007()

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AGAINST THE JUDGEMENT/ORDER IN BA.5065/2007
CRIME NO.132/07 OF NEYYARDAM POLICE STATION)
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PETITIONER IST ACCUSED(PARTY IN CUSTODY)

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JIBAD KHAN, S/O. ABDUL KARIM,
KHANS MANZIL, KALLAMBALAM,
NAVAIKKULAM VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE

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STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

R.BASANT, J

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B.A.Nos.5430, 5434,5454

& 5450 of 2007

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Dated this the 7th day of September, 2007

O R D E R

These petitions are filed by the petitioners who face allegations in two separate crimes - one under Sec.420 and the other under Sec.304 IPC. The crux of the allegations against the 1st accused/petitioner is that, he, who does not have the requisite competence to practice as a medical practitioner in Kerala, falsely held himself out to be a qualified medical practitioner and practised allopathy. One such patient who was treated by him expired allegedly because of the incompetency of the petitioner to treat such patient. The allegation against the other petitioner- 2nd accused is that he, being the owner of a nursing home/hospital, has permitted the 1st accused to carry on medical practice in his premise. Both the petitioners were arrested and they continue in custody from 25.7.07. Two earlier bail applications filed by the 1st accused were dismissed as per common order dated 20.8.07 in B.A.Nos.5062 and 5065 of 2007.

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2. I have adverted the facts in detail in the said order. It is not hence necessary for me to advert to the facts in detail in this order. Suffice it to say that this order must be read in continuation of the said earlier order referred above.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer (on condition that appropriate safe guards are taken to ensure that the 1st accused does not continue to deceive and defraud the innocent members of the community) and I am satisfied that regular bail can be granted to the petitioner subject to appropriate conditions.

4. In the result, this petition is allowed. The petitioners shall be released on bail on the following terms and conditions:

i) The petitioners shall in each case execute bonds for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m

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and 12 noon on all Mondays and Fridays, for a period of three months. Thereafter, they shall make themselves available for interrogation as and when directed by the investigating officer in writing to do so.

iii) The 1st accused-petitioner in B.A.Nos.5430 and 5434 of 2007 shall not leave the the Sessions Division of Trivandrum, until further orders without prior of the learned Magistrate .

iv) The 1st petitioner shall also not engage himself in medical practice unless permitted by the competent authority.

(R.BASANT, JUDGE)

sj

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PA to Judge

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